

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

THORNE TROKON THOMAS,	)	
	)	CIVIL ACTION NO. 3:19-cv-220
Plaintiff,	)	
	)	JUDGE KIM R. GIBSON
v.	)	
	)	
CAPT. JEREMY W. JONES, <i>et al.</i> ,	)	
	)	
Defendants.	)	

ORDER

Plaintiff Thorne Trokon Thomas ("Plaintiff") filed his Fourth Amended Complaint on December 12, 2022. (ECF No. 149). On February 1, 2023, Defendants filed a "Motion to Dismiss Counts I and III of Plaintiff's Fourth Amended Complaint[.]" (ECF No. 156).

On February 9, 2023, Plaintiff filed a "Motion for Preliminary Injunction[.]" (ECF No. 159).

On March 17, 2023, the Magistrate Judge issued a Report and Recommendation, recommending that the Motion to Dismiss at ECF No. 156 be granted in part and denied in part. (ECF No. 169). Specifically, the Magistrate Judge recommended that the Court "grant the Motion to Dismiss as to Count I[] and ... also grant the Motion to Dismiss as to Count III against Defendants Jones and Bickford. The Motion to Dismiss should be denied as to Count III against the DOC." (*Id.* at 10). Further, the Magistrate Judge stated that Plaintiff "should be granted leave to amend his Complaint as appropriate." (*Id.*).

On March 17, 2023, the Magistrate Judge issued a second Report and Recommendation, recommending that the Court deny the Motion for a Preliminary Injunction at ECF No. 159. (ECF No. 170 at 7).

On March 24, 2023, Plaintiff submitted a "Notice of No Intent to Object to Either Report and Recommendation[.]" (ECF No. 172). In that document, Plaintiff indicates that he "does not object to the findings in either Report and Recommendation docketed at ECF Nos. 169 and 170 and requests that this honorable Court accept the recommendations, including the recommendation to grant leave to file an amended complaint." (*Id.* at 1). Plaintiff further states that "Counsel for the Defendants has authorized [Plaintiff] to indicate that Counsel has no objection to this Notice and does not oppose [Plaintiff's] request." (*Id.*).

Therefore, upon review of the record and the Reports and Recommendations under the applicable "reasoned consideration" standard, *see EEOC v. City of Long Branch*, 866 F.3d 93, 99–100 (3d Cir. 2017) (standard of review when no timely and specific objections are filed), and pursuant to Local Civil Rule 72.D.2, the Court will accept in whole the findings and recommendations of the Magistrate Judge in this matter. Accordingly, the following order is entered:

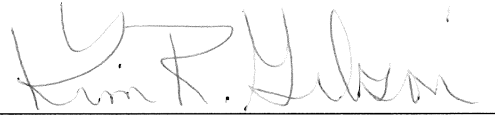
AND NOW, this 27<sup>th</sup> day of March, 2023, it is **HEREBY ORDERED** that Defendant's Motion to Dismiss at ECF No. 156 is **GRANTED IN PART** and **DENIED IN PART** as stated in the Report and Recommendation at ECF No. 169. Count I of Plaintiff's Fourth Amended Complaint and Plaintiff's claims against Defendants Jones and Bickford at Count III of his Fourth Amended Complaint are therefore **DISMISSED WITHOUT PREJUDICE**. In

accordance with the Report and Recommendation and the consent of the parties, Plaintiff may submit a Fifth Amended Complaint on or before **April 17, 2023**.

**IT IS FURTHER ORDERED** that Plaintiff's Motion for a Preliminary Injunction at ECF No. 159 is **DENIED** as stated in the Report and Recommendation at ECF No. 170.

**IT IS FURTHER ORDERED** that the Reports and Recommendations at ECF Nos. 169 and 170 are adopted for their reasoning and conclusions.

**BY THE COURT:**

A handwritten signature in black ink, appearing to read "Kim R. Gibson", is written over a horizontal line.

**KIM R. GIBSON**  
**UNITED STATES DISTRICT JUDGE**